

Executive Summary – Enforcement Matter – Case No. 41771

City of Dell City

RN101210409 and RN102844032

Docket No. 2011-0884-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – PWS, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

Dell City, (the “Public Water Facility”), located at 103 South Dodson, Dell City, Hudspeth County; and

Dell City, (the “Wastewater Facility”), located 0.75 mile northeast of the intersection of Farm-to-Market Road 1437 and Farm-to-Market Road 2249, Dell City, Hudspeth County.

Type of Operation:

Municipal public water supply and a wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 23, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,138

Amount Deferred for Expedited Settlement: \$1,827

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,311

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications (RN101210409):

Person/CN - Average

Site/RN - N/A

Compliance History Classifications (RN102844032):

Person/CN - Average

Site/RN - Poor

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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City of Dell City

RN101210409 and RN102844032

Docket No. 2011-0884-MLM-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 5, 2011 and May 16, 2011

Date(s) of NOE(s): May 19, 2011

Violation Information

At the Public Water Facility:

1. Failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazard exists [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].
2. Failed to inspect the elevated and ground storage tanks on an annual basis [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
3. Failed to obtain a discharge permit from the Commission prior to any discharge of wastewater [30 TEX. ADMIN. CODE §§ 305.42(a) and 290.42(i) and TEX. WATER CODE § 26.121(a)].

At the Wastewater Facility:

4. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, at the time of the record review, it was observed that the two lift stations were operating on emergency power [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014256001, Operational Requirements No. 1].
5. Failed to monitor for each parameter at the frequency specified in the permit. Specifically, at the time of the record review, it was documented that the Facility was not obtaining and recording measurements for daily flow five times per week because appropriate flow measuring devices were not installed after treatment and before storage and the Facility was not sampling for Biological Oxygen Demand 5-day ("BOD₅") once per week and pH once per month [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(d) and TCEQ Permit No. WQ0014256001, Effluent Limitations and Monitoring Requirements, Section B: Monitoring Requirements].
6. Failed to correct information submitted on an application and submit it to the Executive Director. Specifically, at the time of the record review, it was observed that the Facility is only capable of irrigating approximately 1 acre of the 74.6 acres of non-public access land authorized by permit [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014256001, Permit Conditions No. 1].

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7. Failed to collect annual soil samples of the irrigated site for the required parameters at the specified frequency and submit the report to the TCEQ during September of each year. Specifically, at the time of the record review, it was documented that the last soil samples were collected on September 29, 2009 for the monitoring period from October 1, 2008 to September 30, 2009 [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014256001, Special Provisions No. 8].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Public Water Facility:
 - a. On May 17, 2011, conducted annual tank inspections for the 80,000 gallon ground storage tank installed in 2009, the 80,000 gallon ground storage tank installed in 1965, and the 50,000 gallon elevated storage tank located in the Public Water Facility's yard; and
 - b. As of June 10, 2011, removed the water service connection from the building at the east lift station to ensure that a backflow prevention device or air gap connection is no longer required at that location.
2. The Executive Director recognizes that on March 29, 2011, the Respondent obtained a soil analysis report for the Wastewater Facility which included all of the required sample parameters except potassium.

Technical Requirements:

1. At the Public Water Facility, the Order will require the Respondent to:
 - a. Immediately, cease all unauthorized discharges from the Electro Dialysis Reversal Unit;
 - b. Within 15 days, submit written certification as described below in Ordering Provision b., and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.;
 - c. Within 90 days:
 - i. Conduct an inspection of the Facility's 50,000 gallon ground storage tank;
 - ii. Install backflow prevention devices or air gaps as required at all establishments where an actual or potential contamination hazard exists, including but not limited to the Project Vida clinic located adjacent to City Hall;

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d. Within 105 days, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.;

e. Within 180 days, maintain the Facility's Electro Dialysis Reversal Unit to prevent a discharge or obtain a permit to discharge wastewater from the Facility's backwash reclaim tank; and

f. Within 195, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.

2. At the Wastewater Facility, the Order will also require the Respondent to:

a. Within 30 days:

i. Begin properly maintaining all systems of collection, treatment, and disposal, including but not limited to, restoring normal power to the two lift stations;

ii. Begin obtaining and recording measurements for daily flow five times per week after treatment and before storage, BOD₅ once per week, and pH once per month;

iii. Install equipment that has the capability of irrigating 74.6 acres of non-public access land at application rates that do not exceed 0.22 acre-feet per year per acre irrigated or submit an accurate application for a permit amendment to the TCEQ Wastewater Permitting Section to accurately reflect the irrigation system capabilities; and

iv. Being collecting annual soil samples for all permit-required parameters, including but not limited to potassium.

b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

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City of Dell City
RN101210409 and RN102844032
Docket No. 2011-0884-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Michaelle Sherlock, Enforcement Division,
Enforcement Team 2, MC R-13, (210) 403-4076; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Maria Guillen, Mayor, City of Dell City, P.O. Box 125,
Dell City, Texas 79837

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-May-2011	Screening	6-Jun-2011	EPA Due	
	PCW	7-Jun-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Dell City
Reg. Ent. Ref. No.	RN101210409
Facility/Site Region	6-El Paso
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	41771	No. of Violations	2
Docket No.	2011-0884-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Michaelle Sherlock
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$1,400**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **7.0%** Enhancement **Subtotals 2, 3, & 7** **\$98**

Notes Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$243
Approx. Cost of Compliance \$844

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$1,498**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$1,498**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$1,498**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$299**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$1,199**

Screening Date 6-Jun-2011

Docket No. 2011-0884-MLM-E

PCW

Respondent City of Dell City

Policy Revision 2 (September 2002)

Case ID No. 41771

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101210409

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 7%

Screening Date 6-Jun-2011

Docket No. 2011-0884-MLM-E

PCW

Respondent City of Dell City

Policy Revision 2 (September 2002)

Case ID No. 41771

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101210409

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.44(h)(1)(A)

Violation Description

Failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazard exists. Specifically, at the time of the record review, it was documented that there was no backflow prevention assembly or air gap installed at the Project Vida clinic adjacent to City Hall and the east wastewater treatment plant lift station.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide a backflow prevention assembly or air gap could allow backflow and siphonage to occur which could expose customers of the Facility to significant amounts of contamination which could exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 4

32 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

Four monthly events are recommended (2 months per site without a backflow prevention assembly or air gap), calculated from the date of the record review, May 5, 2011, to the date of screening, June 6, 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$63

Violation Final Penalty Total \$1,070

This violation Final Assessed Penalty (adjusted for limits) \$1,070

Economic Benefit Worksheet

Respondent City of Dell City
 Case ID No. 41771
 Reg. Ent. Reference No. RN101210409
 Media Public Water Supply
 Violation No. 1

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment	\$680	1-Nov-2010	1-Mar-2012	1.33	\$3	\$60	\$63
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to install a backflow prevention assembly or air gap at the clinic and the wastewater treatment plant lift station, calculated from the date of the investigation when the violation was first observed to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$680

TOTAL

\$63

Screening Date 6-Jun-2011

Docket No. 2011-0884-MLM-E

PCW

Respondent City of Dell City

Policy Revision 2 (September 2002)

Case ID No. 41771

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101210409

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description

Failed to inspect the elevated and ground storage tanks on an annual basis. Specifically, at the time of the record review, the Facility was not conducting annual inspections on the three ground storage tanks and the elevated storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to inspect the ground and elevated storage tanks on an annual basis could cause non-detection of defects and could expose customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 4

365 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$400

Four annual events are recommended (one for each tank) for the 12-month period preceding the record review.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$180

Violation Final Penalty Total \$428

This violation Final Assessed Penalty (adjusted for limits) \$428

Economic Benefit Worksheet

Respondent City of Dell City
Case ID No. 41771
Rea. Ent. Reference No. RN101210409
Media Public Water Supply
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$164	5-May-2010	5-May-2011	1.92	\$16	\$164	\$180
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to conduct inspections of the four storage tanks, calculated for the 12-month period prior to the record review date.

Approx. Cost of Compliance

\$164

TOTAL

\$180



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-May-2011	PCW	7-Jun-2011	Screening	6-Jun-2011	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	City of Dell City		
Reg. Ent. Ref. No.	RN101210409		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	41771	No. of Violations	1
Docket No.	2011-0884-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Michaelle Sherlock
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **7.0%** Enhancement **Subtotals 2, 3, & 7** **\$140**

Notes

Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$88**
Approx. Cost of Compliance **\$1,500**

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$2,140**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$2,140**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$2,140**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$428**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$1,712**

Screening Date 6-Jun-2011

Docket No. 2011-0884-MLM-E

PCW

Respondent City of Dell City

Policy Revision 2 (September 2002)

Case ID No. 41771

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101210409

Media [Statute] Water Quality

Enf. Coordinator Michaelle Sherlock

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 7%

Screening Date 6-Jun-2011

Docket No. 2011-0884-MLM-E

PCW

Respondent City of Dell City

Policy Revision 2 (September 2002)

Case ID No. 41771

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101210409

Media [Statute] Water Quality

Enf. Coordinator Michaelle Sherlock

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.42(a) and 290.42(i) and Tex. Water Code § 26.121(a)

Violation Description

Failed to obtain a discharge permit from the Commission prior to any discharge of wastewater. Specifically, at the time of the record review, a review of the Facility's records documented that the Facility was discharging its reject water from the Electro Dialysis Reversal Unit without a permit.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

32 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two monthly events are recommended from the May 5, 2011 record review date to the June 6, 2011 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$88

Violation Final Penalty Total \$2,140

This violation Final Assessed Penalty (adjusted for limits) \$2,140

Economic Benefit Worksheet

Respondent City of Dell City
Case ID No. 41771
Reg. Ent. Reference No. RN101210409
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Nov-2010	1-Jan-2012	1.17	\$88	n/a	\$88

Notes for DELAYED costs

The delayed cost includes the estimated amount to obtain a permit for the discharge from the Electro Dialysis Reversal Unit, calculated from the date when the violation was first observed to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$88



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-May-2011	Screening	7-Jun-2011	EPA Due	
	PCW	7-Jun-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Dell City		
Reg. Ent. Ref. No.	RN102844032		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	41771	No. of Violations	4
Docket No.	2011-0884-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Michaelle Sherlock
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum		\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **10.0%** Enhancement **Subtotals 2, 3, & 7** **\$500**

Notes Enhancement for two NOVs with same/similar violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$10,604
Approx. Cost of Compliance \$125,998

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$5,500**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$5,500**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$5,500**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$1,100**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$4,400**

Screening Date 7-Jun-2011

Docket No. 2011-0884-MLM-E

PCW

Respondent City of Dell City

Case ID No. 41771

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102844032

Media [Statute] Water Quality

Enf. Coordinator Michaelle Sherlock

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for two NOVs with same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date 7-Jun-2011

Docket No. 2011-0884-MLM-E

PCW

Respondent City of Dell City

Policy Revision 2 (September 2002)

Case ID No. 41771

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102844032

Media [Statute] Water Quality

Enf. Coordinator Michaelle Sherlock

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0014256001,
Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, at the time of the record review, it was observed that the two lift stations were operating on emergency power.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to ensure that all systems of the Facility are properly operated and maintained could result in the release of a significant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

22 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended (one per lift station) from the May 16, 2011 record review date to the June 7, 2011 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9,804

Violation Final Penalty Total \$2,200

This violation Final Assessed Penalty (adjusted for limits) \$2,200

Economic Benefit Worksheet

Respondent City of Dell City
Case ID No. 41771
Reg. Ent. Reference No. RN102844032
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment	\$120,000	1-Nov-2010	1-Jan-2012	1.17	\$467	\$9,337	\$9,804
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed equipment cost includes the estimated amount to conduct lift station generator and electrical work (x 2 lift stations). The date required is the date of the investigation when the violation was first observed and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$120,000

TOTAL

\$9,804

Screening Date 7-Jun-2011

Docket No. 2011-0884-MLM-E

PCW

Respondent City of Dell City

Policy Revision 2 (September 2002)

Case ID No. 41771

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102844032

Media [Statute] Water Quality

Enf. Coordinator Michaelle Sherlock

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.5(d) and TCEQ Permit No. WQ0014256001, Effluent Limitations and Monitoring Requirements, Section B: Monitoring Requirements

Violation Description

Failed to monitor for each parameter at the frequency specified in the permit, as documented in a record review conducted on May 16, 2011. Specifically, the Facility was not obtaining and recording measurements for daily flow five times per week because appropriate flow measuring devices were not installed after treatment and before storage and the Facility was not sampling for Biological Oxygen Demand 5-day (BOD5) once per week and pH once per month.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to comply with permitted monitoring requirements could result in the release of significant amounts of pollutants that would not exceed levels that are protective of human health and environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

22 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the May 16, 2011 record review date to the June 7, 2011 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$637

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent City of Dell City
Case ID No. 41771
Reg. Ent. Reference No. RN102844032
Media Water Quality
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment	\$5,323	1-Nov-2010	1-Jan-2012	1.17	\$21	\$414	\$435
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	1-Nov-2010	1-Jan-2012	1.17	\$15	n/a	\$15

Notes for DELAYED costs

Delayed costs include the estimated amount for a new flow measuring device including purchase, installation, and setup to monitor the influent volume. The other delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that required parameters are analyzed. The date required is the investigation date when the violation was first observed and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$175	1-Nov-2010	16-May-2011	1.45	\$13	\$175	\$188

Notes for AVOIDED costs

The other avoided costs include the estimated amount to conduct the required monitoring (\$25 per month). The date required is the date when the violation was first observed and the final date is the date of the record review.

Approx. Cost of Compliance

\$5,748

TOTAL

\$637

Screening Date 7-Jun-2011

Docket No. 2011-0884-MLM-E

PCW

Respondent City of Dell City

Policy Revision 2 (September 2002)

Case ID No. 41771

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102844032

Media [Statute] Water Quality

Enf. Coordinator Michaelle Sherlock

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0014256001, Permit Conditions No. 1

Violation Description

Failed to correct information submitted on an application and submit it to the Executive Director. Specifically, at the time of the record review, it was observed that the Facility is only capable of irrigating approximately 1 acre of the 74.6 acres of non-public access land authorized by the issued permit.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

22 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent City of Dell City
Case ID No. 41771
Reg. Ent. Reference No. RN102844032
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$100	1-Nov-2010	1-Jan-2012	1.17	\$6	n/a	\$6
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed costs include the estimated amount to complete and submit updated information to the Executive Director. The start date is the date of the investigation when the violation was first observed and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 7-Jun-2011

Docket No. 2011-0884-MLM-E

PCW

Respondent City of Dell City

Policy Revision 2 (September 2002)

Case ID No. 41771

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102844032

Media [Statute] Water Quality

Enf. Coordinator Michaelle Sherlock

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0014256001, Special Provisions No. 8

Violation Description

Failed to collect annual soil samples of the irrigated site for the required parameters at the specified frequency and submit the report to the Texas Commission on Environmental Quality ("TCEQ") during September of each year. Specifically, at the time of the record review, it was documented that the last soil samples were collected on September 29, 2009 for the monitoring period from October 1, 2008 to September 30, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to collect annual soil samples could result in non-detection of a release of a significant amount of contaminants that would not exceed levels protective of human health and environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

22 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$1,000

One annual event is recommended for the failure to collect and analyze soil samples during September 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$158

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent City of Dell City
Case ID No. 41771
Reg. Ent. Reference No. RN102844032
Media Water Quality
Violation No. 4

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 2.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$150	30-Sep-2010	1-Nov-2010	1.01	\$8	\$150	\$158
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

One time avoided costs include the estimated amount to collect an annual soil sample and report it to TCEQ. The date required is the date when sample and report were due and the final date is the date when the violation was first observed.

Approx. Cost of Compliance

\$150

TOTAL

\$158

Compliance History

Customer/Respondent/Owner-Operator: CN600653703 City of Dell City Classification: AVERAGE Rating: 24.63
Regulated Entity: RN102844032 DELL CITY Classification: POOR Site Rating: 46.25
ID Number(s): WASTEWATER PERMIT WQ0014256001
Location: 0.75 MILE NORTHEAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 1437 &
FARM-TO-MARKET ROAD 2249, DELL CITY, HUDSPETH COUNTY, TEXAS
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: May 24, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: May 24, 2006 to May 24, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Michaelle Sherlock Phone: (210) 403-4076

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 06/28/2006 | (482289) |
| 2 | 06/12/2009 | (736700) |
| 3 | 11/17/2010 | (872712) |
| 4 | 02/21/2011 | (895881) |
| 5 | 05/17/2011 | (920904) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/28/2006 (482289)CN600653703
Self Report? NO Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101
Description: Failure to comply with Agreed Order (Docket No. 2004-0609-MLM-E) by
failing to conduct annual soil samples.

Date: 11/19/2010 (872712)CN600653703
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to irrigate the same area described and listed in the permit. Specifically,
the entity has an irrigation system that is only capable of irrigating approximately
1 acre of the 74.6 acres of non-public access land authorized for surface
irrigation.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to obtain and record the volume of treated effluent applied as irrigation water in order to determine irrigation application rates. In addition, the entity does not have equipment in place to obtain accurate measurements of the volume of treated effluent applied as irrigation water.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to collect annual soil samples of the irrigated site for the required parameters and submit the report of analysis of the annual soil samples to the TCEQ by September of each year. The last annual soil sampling event was conducted on September 29, 2009, and has not been conducted to date.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)

Description: Failure to conduct sampling of the wastewater for Biochemical Oxygen Demand-5 day (BOD5) once per week and pH once per month.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain the systems of collection. Specifically, the two (2) lift stations are operating on emergency power. During the investigation, Mr. Sanders stated that the 2 lift stations had not been operating under normal conditions for approximately 2 to 3 years.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to obtain and record measurements for daily flow five times per week to determine daily average flow and compliance with flow limits. In addition, the entity does not have equipment in place to monitor flow after the final treatment unit and prior to storage of the treated effluent as specified in the permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain and operate the automatic flow measuring device or recording device. Currently, the primary flow measuring device installed to record the amount of influent received by the Dell City facility is not operational.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History

Customer/Respondent/Owner-Operator: CN600653703 City of Dell City Classification: AVERAGE Rating: 24.63
Regulated Entity: RN101210409 DELL CITY Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1150001
WATER LICENSING LICENSE 1150001
Location: 103 SOUTH DODSON, DELL CITY, HUDSPETH COUNTY, TEXAS
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: May 23, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: May 23, 2006 to May 23, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Michaelle Sherlock Phone: (210) 403-4076

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 04/15/2007 | (644410) |
| 2 | 07/01/2007 | (645058) |
| 3 | 02/12/2009 | (724651) |
| 4 | 11/22/2010 | (872711) |
| 5 | 05/18/2011 | (915789) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | |
|--------------|--|--------------------------|
| Date: | 04/15/2007 | (644410)CN600653703 |
| Self Report? | NO | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(f)(4) | |
| Description: | BACT - MONITORING/REPORTING VIOLATIONS | |
| Self Report? | NO | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A) | |
| Description: | PUBLIC NOTICE | |
| Date: | 11/22/2010 | (872711)CN600653703 |
| Self Report? | NO | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K) | |
| Description: | Failure to maintain the wellhead on the well sealed. | |
| Self Report? | NO | Classification: Moderate |

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)
 Description: Failure to install disinfection equipment so that continuous and effective disinfection can be secured at all times. Currently, the facility is batch chlorinating and does not have disinfection equipment in place to secure continuous disinfection at all times.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)
 Description: Failure to obtain a Water Quality permit for the discharge of reject water from the Electro Dialysis Reversal unit. Any discharge of wastewater and other plant wastes shall be in accordance with all applicable state and federal statutes and regulations. Permits for discharging wastes from water treatment processes shall be obtained from the commission.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)
 Description: Failure to maintain the two (2) hatches locked on the new 80,000 gallon ground storage tank.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
 Description: Failure to provide additional protection at the meter in the form of an air gap or backflow prevention assembly at all establishments where an actual or potential contamination hazard exists. The type of backflow prevention assembly required shall be determined by the specific potential hazard identified in §290.47(i) of this title (relating to Appendices).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
 Description: Failure to maintain a record of the amount of chemical used each week.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
 Description: Failure to maintain a record of the flushing of dead-end mains at monthly intervals.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
 Description: Failure to conduct annual tank inspections on all ground storage tanks and the elevated ground storage tank.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
 Description: Failure to verify the accuracy of all the manual disinfectant residual analyzers using chlorine solutions of known concentrations.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
 Description: Failure to post a sign at all of the production, treatment, and storage facilities. Each sign shall be located in plain view of the public and shall provide the name of the water supply and an emergency telephone number where a responsible official can be contacted.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
 Description: Failure to maintain a chemical and microbiological monitoring plan.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF DELL CITY
RN101210409 AND
RN102844032**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-0884-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Dell City ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a municipal public water supply at 103 South Dodson in Dell City, Hudspeth County, Texas (the "Public Water Facility") that has approximately 193 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Respondent owns and operates a wastewater treatment facility located 0.75 mile northeast of the intersection of Farm-to-Market Road 1437 and Farm-to-Market Road 2249 in Dell City, Hudspeth County, Texas (the "Wastewater Facility").
3. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
4. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
5. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 24, 2011.

6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
7. An administrative penalty in the amount of Nine Thousand One Hundred Thirty-Eight Dollars (\$9,138) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Three Hundred Eleven Dollars (\$7,311) of the administrative penalty and One Thousand Eight Hundred Twenty-Seven Dollars (\$1,827) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
8. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
9. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
10. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Public Water Facility:
 - a. On May 17, 2011, conducted annual tank inspections for the 80,000 gallon ground storage tank installed in 2009, the 80,000 gallon ground storage tank installed in 1965, and the 50,000 gallon elevated storage tank located in the Public Water Facility's yard; and
 - b. As of June 10, 2011, removed the water service connection from the building at the east lift station to ensure that a backflow prevention device or air gap connection is no longer required at that location.
11. The Executive Director recognizes that on March 29, 2011, the Respondent obtained a soil analysis report for the Wastewater Facility which included all of the required sample parameters except potassium.
12. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
13. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
14. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Public Water Facility and the Wastewater Facility, the Respondent is alleged to have:

1. At the Public Water Facility:

- a. Failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazard exists, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A), as documented during a record review conducted on May 5, 2011;
- b. Failed to inspect the elevated and ground storage tanks on an annual basis, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during a record review conducted on May 5, 2011; and
- c. Failed to obtain a discharge permit from the Commission prior to any discharge of wastewater, in violation of 30 TEX. ADMIN. CODE §§ 305.42(a) and 290.42(i) and TEX. WATER CODE § 26.121(a), as documented during a record review on May 5, 2011.

2. At the Wastewater Facility:

- a. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014256001, Operational Requirements No. 1, as documented during a record review conducted on May 16, 2011. Specifically, at the time of the record review, it was observed that the two lift stations were operating on emergency power;
- b. Failed to monitor for each parameter at the frequency specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(d) and TCEQ Permit No. WQ0014256001, Effluent Limitations and Monitoring Requirements, Section B: Monitoring Requirements, as documented during a record review conducted on May 16, 2011. Specifically, at the time of the record review, it was documented that the Facility was not obtaining and recording measurements for daily flow five times per week because appropriate flow measuring devices were not installed after treatment and before storage and the Facility was not sampling for Biological Oxygen Demand 5-day (BOD₅) once per week and pH once per month;
- c. Failed to correct information submitted on an application and submit it to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014256001, Permit Conditions No. 1 as documented during a record review conducted on May 16, 2011. Specifically, at the time of the record review, it was observed that the Facility is only capable of irrigating approximately 1 acre of the 74.6 acres of non-public access land authorized by permit; and

- d. Failed to collect annual soil samples of the irrigated site for the required parameters at the specified frequency and submit the report to the TCEQ during September of each year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014256001, Special Provisions No. 8, as documented during a record review conducted on May 16, 2011. Specifically, at the time of the record review, it was documented that the last soil samples were collected on September 29, 2009 for the monitoring period from October 1, 2008 to September 30, 2009.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Dell City, Docket No. 2011-0884-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements at the Public Water Facility:
 - a. Immediately upon the effective date of this Agreed Order, cease all unauthorized discharges from the Electro Dialysis Reversal Unit;
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 3.b, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a;
 - c. Within 90 days after the effective date of this Agreed Order:
 - i. Conduct an inspection of the Facility's 50,000 gallon ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- ii. Install backflow prevention devices or air gaps as required at all establishments where an actual or potential contamination hazard exists, including but not limited to the Project Vida clinic located adjacent to City Hall, in accordance with 30 TEX. ADMIN. CODE § 290.44;
 - d. Within 105 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 3.b, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
 - e. Within 180 days after the effective date of this Agreed Order, maintain the Facility's Electro Dialysis Reversal Unit to prevent a discharge or obtain a permit to discharge wastewater from the Facility's backwash reclaim tank; and
 - f. Within 195 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 3.b, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.
3. It is further ordered that the Respondent shall undertake the following technical requirements at the Wastewater Facility:
- a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin properly maintaining all systems of collection, treatment, and disposal, including but not limited to, restoring normal power to the two lift stations, in accordance with TCEQ Permit No. WQ0014256001, Operational Requirements No. 1;
 - ii. Begin obtaining and recording measurements for daily flow five times per week after treatment and before storage, BOD₅ once per week, and pH once per month, in accordance with 30 TEX. ADMIN. CODE § 319.5 and TCEQ Permit No. WQ0014256001, Effluent Limitations and Monitoring Requirements, Section B: Monitoring Requirements;
 - iii. Install equipment that has the capability of irrigating 74.6 acres of non-public access land at application rates that do not exceed 0.22 acre-feet per year per acre irrigated or submit an accurate application for a permit amendment to the TCEQ Wastewater Permitting Section to accurately reflect the irrigation system capabilities, in accordance with TCEQ Permit No. WQ0014256001, Permit Conditions No. 1; and
 - iv. Being collecting annual soil samples for all permit-required parameters, including but not limited to potassium, in accordance with TCEQ Permit No. WQ0014256001, Special Provisions No. 8.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance

with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
El Paso Regional Office
Texas Commission on Environmental Quality
401 East Franklin Avenue, Suite 560
El Paso, Texas 79901-1206

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

 For R. Hyde
For the Executive Director

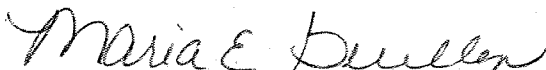
10-25-11
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

August 15, 2011
Date

Maria Guillen
Name (Printed or typed)
Authorized Representative of
City of Dell City

Mayor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.